UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/NGO/2
29 January 1999

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council Resolution 1996/31.

[25 December 1998]

GE.99-10464 (EXT)

Human development and democratic society:
two indissociable concepts

1. The exercise of the right to development cannot be dissociated from the existence of a democratic society, in which all its members, the human beings who "are born free and equal in dignity and rights", as stated in article 1 of the Universal Declaration of Human Rights, must be able to exercise their rights as citizens and participate in decisions within their national States and the international community organized, in the interests of the entire community, in a spirit of solidarity that prevails over private interests. It is the idea that orginated with Aristotle that human beings are by nature a "zoon politikon" so that "to make policy" is to participate in community life, to govern for the general good, with private business perceived as a secondary, subordinate activity.

2. But with the mounting wave of neo-liberalism, the idea of the "minimal State" or "weakening of the State" is intended to minimize the role of politics and marginalize the citizen's function, giving precedence to the role that civil society must play vis-à-vis the State. Civil society is usually considered to embrace the various groups - professional, economic, political, cultural, associative, etc. (the so-called social actors) - that make up all human society, with different interests that converge at times and conflict at others. However, since the dominant neo-liberal discourse considers human society to be organized and conditioned by economic relations, among the social actors it assigns a fundamental role to entrepreneurs as managers of the economy and, more particularly, to transnational corporations as the main economic actors.

3. This ideology is reflected within the United Nations. The previous Secretary-General told the Davos Forum on 26 January 1995 that transnational corporations must be more closely involved in international decision-making. The current Secretary-General, for his part, in his July 1997 report on the restructuring of the United Nations, announced the intention to establish an inter-agency business liaison service to make arrangements with leading business organizations for continuing the dialogue between the representatives of business and the United Nations (document A/51/950, para. 216, Action 17 (c) and (d)). His report to the General Assembly on October 1997 (A/52/428) is founded on two basic ideas which the Secretary-General also voiced at the Davos Forum: 1) that there is universal consensus on the essential role of market forces in sustainable development, and 2) that the role of the State is changing in most of the developing world, from endeavouring to dominate economic life (our underlining) to creating the conditions that make sustainable development possible. It is not by chance that the consultant firm Price Waterhouse which advised Mrs. Thatcher on her privatization policy and is currently consultant to the giant oil company Exxon under the name PricewaterhouseCooper, following its merger with Coopers & Leybrand in July 1998, has for several years been consultant to the United Nations in Geneva.

4. This tendency to promote the role of the large private economic actors in human society to the detriment of democracy and grassroots participation - in other words, to favour the private interests of the richest over the general welfare - is shared to some extent by certain NGOs which invite transnationals to use their influence "to endeavour to halt human rights violations committed by States and armed opposition groups". How can Shell, for instance, pressure

the Government of Nigeria to respect human rights when Shell itself, in defence of its own oil interests, has supplied the logistics for the repression of that country's Ogoni people? It is like asking the executioner to look after his victim's health.

5. It is true that enterprises - and entrepreneurs - form part of civil society. But civil society has many other components: workers, peasant farmers, professionals, intellectuals and their respective organizations, political parties, grassroots movements in general and so on. However, the participation of these "many other components" in government decisions has been pared to a minimum: decision-making power, political power, has been largely confiscated by economic power which has its own negotiators, propagandists and ideological mouthpieces. The upshot is that everything is subordinated to the laws of the marketplace and to cost-benefit calculations: what is not profitable must be thrown out, with the result that ideas of human solidarity and public service are fading away.

6. It is therefore safe to say that the truly dominant components of civil society are massive capital, the means of communication it controls, intellectuals and the different social organizations in the service of the system, functioning as tools for economic domination, ideological hegemony and social control. The role of the State (the "minimal" State) is increasingly reduced to that of negotiator of economic power and instrument of social coercion. Human beings as citizens and protagonists of a democratic society are leaving the stage to human beings reduced to the status of economic subjects or objects. Human beings are no longer the "polis", the "zoon politikon"; they have become "executives", producers of goods and services, consumers or clients. And if they do not fit into any of those categories they are written off as superfluous.

Conclusions

7. The idea, then, is to determine how human beings, as "zoon politikon", can once more assume their rightful protagonistic role in society, because therein lies the essence of the human condition which, by its very nature, is social and political. The great challenge of our times is to subordinate economic power to social interests; that is, for the economy to be at the service of human beings and not the reverse. It is not easy to respond to this challenge. Transnational economic power not only dominates the economy; as well as subordinating national and international political elites, it has succeeded in imposing the hegemony of the neo-liberal ideology on all strata of society through industry-media conglomerates (mergers of large industries of all kinds with the communication industry) and with the collaboration of a large section of the "intelligentsia", which uses its scientific and cultural status the better to pass on the ideas of the dominant groups - enveloped in an aura of academic objectivity - to society as a whole.